

By: Hinojosa, et al.

S.B. No. 602

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a restructuring commission to evaluate each state supported living center.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 555, Health and Safety Code, is amended by adding Subchapters F and G to read as follows:

SUBCHAPTER F. STATE SUPPORTED LIVING CENTER RESTRUCTURING AND CLOSURES

Sec. 555.201. STATE SUPPORTED LIVING CENTER RESTRUCTURING COMMISSION. (a) In this subchapter:

(1) "Restructuring commission" means the state supported living center restructuring commission.

(2) "Section 1915(c) waiver program" has the meaning assigned by Section 533A.031.

(b) The restructuring commission consists of five members appointed by the governor and the following three nonvoting ex officio members:

(1) the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;

(2) the executive director of the Texas Facilities Commission or the executive director's designee; and

(3) the commissioner of the General Land Office or the commissioner's designee.

(c) The restructuring commission is established to ensure

1 that the state maintains only the number of state supported living
2 centers necessary to meet the level of need for those centers in
3 this state. The restructuring commission shall evaluate each state
4 supported living center to determine whether to recommend the
5 center be consolidated with another center, downsized, repurposed,
6 or closed. The restructuring commission may not recommend the
7 closure of more than five centers.

8 (d) The restructuring commission must visit each state
9 supported living center in the course of making the restructuring
10 commission's evaluations and determinations. In evaluating a state
11 supported living center, the restructuring commission shall
12 consider:

13 (1) the quality of services provided by the center,
14 including the center's most recent certification inspections and
15 the center's ability to meet the minimum ICF-IID standards;

16 (2) the costs of operating the center;

17 (3) the center's compliance with the 2009 settlement
18 agreement between the Department of Aging and Disability Services
19 and the United States Department of Justice regarding services
20 provided to individuals with intellectual and developmental
21 disabilities in state-operated facilities;

22 (4) the availability and capacity of community service
23 providers in this state;

24 (5) the ability of the center to serve alleged
25 offenders or high-risk residents;

26 (6) the staff turnover rates for center employees and
27 the availability of employment opportunities for center employees

1 if the center is closed, repurposed, downsized, or consolidated;
2 (7) any infrastructure deficiency costs relating to
3 the center;
4 (8) whether closing, repurposing, downsizing, or
5 consolidating the center would adversely affect the geographic
6 distribution of centers and community providers in the state;
7 (9) the availability and capacity of service providers
8 throughout the state and resources in the community capable of
9 delivering the quality and level of care each resident of the center
10 would require following the closing, repurposing, downsizing, or
11 consolidating of the center;
12 (10) input from:
13 (A) residents of the center;
14 (B) parents, guardians, and relatives of
15 residents of the center; and
16 (C) individuals and relatives of individuals on
17 an interest list to receive assistance under a Section 1915(c)
18 waiver program; and
19 (11) any other criteria the restructuring commission
20 considers appropriate.
21 (e) Not later than December 1, 2018, the restructuring
22 commission shall submit to the governor, the lieutenant governor,
23 the speaker of the house of representatives, and the presiding
24 officers of the standing committees of the senate and house of
25 representatives having primary jurisdiction over intellectual and
26 developmental disability issues a report detailing the
27 restructuring commission's evaluation of each state supported

1 living center and, as applicable, the restructuring commission's
2 recommendation for the center to be consolidated with another
3 center, downsized, repurposed, or closed.

4 (f) The restructuring commission is abolished and this
5 section expires January 1, 2019.

6 Sec. 555.202. CLOSURE PLAN FOR STATE SUPPORTED LIVING
7 CENTER. (a) The Health and Human Services Commission shall
8 establish a closure plan for each state supported living center for
9 which closure is recommended by the restructuring commission in the
10 report submitted under Section 555.201.

11 (b) The closure plan must provide for closure of the
12 facility and its operations not later than August 31, 2023. The
13 plan must provide procedures to transition to the community each
14 resident for whom transition to the community:

15 (1) is approved by persons responsible for the
16 treatment of the resident at the state supported living center;

17 (2) may be reasonably accommodated by an appropriate
18 community placement; and

19 (3) is the choice of the resident or guardian of the
20 resident.

21 Sec. 555.203. PROCEEDS FROM CLOSURE OF STATE SUPPORTED
22 LIVING CENTER. The proceeds from the closure of a state supported
23 living center, including from the sale or lease of a center's
24 facilities or other property, may be appropriated only for services
25 for persons with intellectual and developmental disabilities,
26 including persons with a dual diagnosis of intellectual and
27 developmental disabilities and mental illness.

1 Sec. 555.204. RECOMMENDED CLOSURES OF STATE SUPPORTED
2 LIVING CENTERS. (a) If the restructuring commission proposes the
3 closure of one or more state supported living centers, the 86th
4 Legislature shall consider the centers recommended for closure by
5 voting on whether to approve the commission's recommendations.

6 (b) If the legislation described by Subsection (a) is
7 enacted and becomes law, the department shall ensure that each
8 state supported living center approved by the legislature for
9 closure under Subsection (a) is closed not later than August 31,
10 2023.

11 Sec. 555.205. EXPIRATION. This subchapter expires
12 September 1, 2023.

13 SUBCHAPTER G. SALE OF REAL PROPERTY

14 Sec. 555.251. OPTION TO PURCHASE REAL PROPERTY. (a) If
15 the commission, the department, or another state agency or entity
16 offers for sale or plans to commercially develop all or part of real
17 property owned by the state on which a state supported living center
18 is located, the real property or portion thereof must be offered for
19 sale to the city and county in which the real property is located
20 before the real property is developed or offered for sale to the
21 general public. If the city or county purchases the real property,
22 the purchase price may not be less than market value.

23 (b) Subsection (a) may not be construed as requiring the
24 commission, the department, or another state agency or entity to
25 offer real property owned by the state on which a state supported
26 living center is located to the city and county in which the real
27 property is located before offering the real property for sale to a

1 state agency for governmental use.

2 SECTION 2. Section 31.158(c)(1), Natural Resources Code, is
3 amended to read as follows:

4 (1) The sale or lease shall be by sealed bid, by public
5 auction, or as provided by Subsection (d); provided, however, the
6 School Land Board shall have the first option to purchase such real
7 property pursuant to Section 31.159 of this code and the city and
8 county in which the real property is located shall have the option
9 to purchase such real property pursuant to Section 555.251, Health
10 and Safety Code. Subdivisions (2)-(7) apply only to a sale or lease
11 by sealed bid or public auction.

12 SECTION 3. Not later than September 1, 2017, the governor
13 shall appoint five members of the state supported living center
14 restructuring commission to serve under Section 555.201, Health and
15 Safety Code, as added by this Act.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2017.